

Notice of Allowability

Application No.

09/721,120

Applicant(s)

ROLF, DEVON A.

Examiner

Art Unit

Huy D. Nguyen

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/3/2006.
2. ☒ The allowed claim(s) is/are 1,4-7,9-13,15-41 and 55-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Devon A. Rolf on 4/14/2006.

The application has been amended as follows:

Claim 1, line 3: after "having a memory," -- a display -- has been inserted.

Claim 1, line 9: after "by said player", "." has been deleted; The following language has been inserted: -- , wherein at least one of a name of an artist who recorded said selected music recording and a title of said music recording is wirelessly transmitted from said storage facility in conjunction with said music recording and is displayed on said display of said cellular telephone in conjunction with playback of said music recording, and wherein said storage facility further comprises a personal account associated with at least one of said cellular telephone and a user of said cellular telephone, wherein at least a title of said selected and retrieved music recording is stored in said personal account. --.

Claim 7, line 5: after "said input", the following language has been inserted: -- and for wirelessly receiving in conjunction with said music recording at least one of a name of an artist corresponding to said music recording and a title corresponding to said music recording --.

Claim 7, line 9: after "said buffer," the following language has been inserted: -- a display for displaying, in conjunction with play of said music recording, at least one of said name of the

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artist corresponding to said music recording and said title corresponding to said music recording;

--.

Claim 7, line 12: after “capability”, “.” has been deleted; The following language has been inserted: -- , wherein at least one of said cellular telephone and a user thereof is associated with a personal account, wherein said personal account is for storing at least information that identifies said music recording. --.

Claim 9, line 4: after “selecting”, “a” has been deleted; -- an encoded -- has been inserted.

Claim 9, line 6: after “said input”, the following language has been inserted: -- and for wirelessly receiving in conjunction with said encoded music recording at least one of a name of an artist corresponding to said encoded music recording and a title of said encoded music recording --.

Claim 9, line 7: before “memory”, “removable” has been deleted.

Claim 9, line 8: after “stream”, “and” has been deleted.

Claim 9, line 10: after “buffer”, the following language has been inserted: -- ; and a display for displaying, in conjunction with play of said encoded music recording, at least one of said name of an artist corresponding to said encoded music recording and said title of said encoded music recording --.

Claim 9, line 11: after “capability”, “.” has been deleted; The following language has been inserted: -- and functionality to wirelessly access a personal account, wherein said personal account is associated with at least one of said mobile cellular telephone and a user thereof and is for storing at least information that identifies said music recording. --.

Claim 15, line 1: after “claim 7,”, “further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during output of said music recording” has been deleted; The following language has been inserted: -- wherein said information that identifies said music recording comprises at least a title of said music recording --.

Claim 16, line 1: after “claim 9,”, “further comprising a display, wherein data indicative of at least one of an artist who recorded said encoded music recording and a title of said encoded music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during output of said encoded music recording” has been deleted; The following language has been inserted: -- wherein said information that identifies said music recording comprises at least a title of said music recording --.

Claim 17, line 5: after “said input”, the following language has been inserted: -- and for wirelessly receiving in conjunction with said music recording at least one of the name of an artist corresponding to the selected music recording and a title of the selected music recording --.

Claim 17, line 7: after “music recording;”, the following language has been inserted: -- a display for displaying, in conjunction with play of said music recording, at least one of said name of an artist corresponding to said music recording and said title of said music recording; --.

Claim 17, line 9: after “capability”, “.” has been deleted; The following language has been inserted: -- and functionality to wirelessly access a personal account, wherein said personal account is associated with at least one of said mobile cellular telephone and a user thereof and is for storing at least information that identifies said music recording. --.

Claim 21, line 1: after “claim 17,”, “further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during output of said music recording” has been deleted; The following language has been inserted: -- wherein said information that identifies said music recording comprises at least a title of said music recording --.

Claim 28, line 1, after “wherein said”, the following language has been inserted: -- device is part of a system including said personal account and wherein said --.

Claim 28, line 2: after “downloaded”, “from an online” has been deleted; -- via said personal -- has been inserted.

Claim 28, line 2: after “account,”, -- located -- has been inserted.

Claim 29, line 5: after “said input”, the following language has been inserted: -- and for wirelessly receiving in conjunction with said music recording at least one of a name of an artist corresponding to a selected music recording and a title of a selected music recording --.

Claim 29, line 8: after “encoded format;” the following language has been inserted: -- a display for displaying, in conjunction with decoding of a music recording that is stored in the memory, at least one of the name of an artist corresponding to the music recording and the title of the music recording; --.

Claim 29, line 11: after “capability”, the following language has been inserted: -- and functionality to wirelessly access a personal account, wherein said personal account is associated with at least one of said mobile cellular telephone and a user thereof and is for storing at least information that identifies the music recording that is selected with said cellular telephone --.

Claim 31, line 8: after “music recording;”, the following language has been inserted: -- a display, wherein at least one of a title of said music recording and the name of an artist corresponding with said music recording was wirelessly received in conjunction with said music recording and is displayed on said display in conjunction with playback of said music recording by said player; --.

Claim 31, line 10: after “handheld use”, the following language has been inserted: -- , wherein at least one of said cellular telephone and a user thereof is associated with a personal account in which is stored at least information that identifies said digitally encoded music recording --.

Claim 34, line 1: after “claim 31,”, “further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is stored in said memory and is displayed on said display during play of said music recording” has been deleted; The following language has been inserted: -- wherein said information that identifies said digitally encoded music recording comprises at least a title of said music recording --.

Claim 39, line 2: after “was received”, “from an” has been deleted; -- via said personal -- has been inserted.

Claim 63, line 1: after “claim 29,”, “further comprising a display, wherein data indicative of at least one of an artist who recorded said music recording and a title of said music recording is wirelessly received by said receiver and is displayed on said display when said music recording is decoded by said decoder” has been deleted; The following language has been

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inserted: -- wherein said information that identifies the music recording comprises at least a title of said music recording --.

Claims 14 and 54 have been canceled.

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 7, 9, 17, 29, 31, the cited prior arts, either alone or in combination, fail to teach that at least one of a name of an artist who recorded said selected music recording and a title of said music recording is wirelessly transmitted from said storage facility in conjunction with said music recording and is displayed on said display of said cellular telephone in conjunction with playback of said music recording, and wherein said storage facility further comprises a personal account associated with at least one of said cellular telephone and a user of said cellular telephone, wherein at least a title of said selected and retrieved music recording is stored in said personal account.

Claims 4-6, 11, 30, 54-56 depend on claim 1. Therefore, they are allowable.

Claims 12, 15, 57 depend on claim 7. Therefore, they are allowable.

Claims 13, 16, 58 depend on claim 9. Therefore, they are allowable.

Claims 18-28, 59-61 depend on claim 17. Therefore, they are allowable.

Claims 62-63 depend on claim 29. Therefore, they are allowable.

Claims 32-41, 64 depend on claim 31. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

in

Huy Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER